IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Civil Appellate Side

Writ Petition No. 9058 of 2005

Jamuna Apartments Coop.
Hsq.Society & Ors. ..Petitioners

vs.

Dy.Registrar of Coop.
Societies and others ..Respondents

Shri K.S.Bhadti for petitioners.
Smt.P.S.Cardoza, A.G.P. for respondent State.
Shri V.G.Mehta with Shri Sachin Masurkar for caveator.

CORAM: Smt.NISHITA MHATRE J.
28th December,2005

P.C.

1. The petition has been filed against the order in revision passed by the respondent no.4. The revision application filed by the petitioner has been rejected by the respondent no.4 on 30th November, 2005 while confirming the order of the Divisional Joint Registrar, Cooperative Societies, Mumbai Division dated 17th March, 2005. The Registrar was directed to hear the appeal within two months from the date of receipt of the order.

2. The petitioners contend that they received the notice of the revision application only on 27th November, 2005. The petitioners requested

that the matter be adjourned for four days as their Advocate was not available to attend the matter on the stipulated date. However, respondent no.4, it appears, has decided the matter on 29th November, 2005 without granting any adjournment. The Secretary of the petitioner society was present since their Advocate could not remain present on that day. According to the petitioners great prejudice has been caused to them as the revision application was decided without affording them an effective hearing.

3. In my view interests of justice would be met if this order in revision application no.190 of 2005 is set aside. The revision application will be heard afresh within two weeks from today. In the mean time the Administrator shall not take charge of the affairs of the society, however, the bank account of the society in the State Bank of India, Andheri (West) Branch and Bank of Maharashtra, Andheri (West) Branch shall not be operated by the petitioners. Any other Bank account whether by way of fixed deposit or otherwise in the name of the society shall not be operated by the petitioners during the pendency of the revision application. The petitioners shall be issued notice of the

hearing of the revision application atleast a week in advance.

3. Petition is disposed of accordingly.

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